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Express Mail" mailing label number: EV 924791780 US

Date of Deposit: January 29, 2007

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

HASEGAWA et al.

Serial No. 09/901,438

Filing Date: July 9, 2001

Examiner: Magee, C.R.

For: EXCHANGE COUPLING FILM AND
MAGNETORESISTIVE ELEMENT USING THE
SAME

Group Art Unit No. 2627

Our Case No. 9281/3996 (N US00078)

PETITION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

Mail Stop Patent Ext
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

U.S. Patent Application Serial No.: 09/901,438 has a patent term adjustment under 35 U.S.C. §154(b) of 829 days as indicated by the PAIR PTA adjustment history, herein attached as Appendix A. U.S. Patent Application 09/901,438 is not subject to a terminal disclaimer. For the reasons stated herein, reconsideration of this patent term adjustment is respectfully requested.

Period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1)

The PTO calculation of the period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1) indicates, as shown by the PAIR PTA adjustment history, an adjustment of 753 days (14 months after the filing of the application on July 9, 2001 to the mailing of the first Office Action on October 1, 2004).

Period of adjustment pursuant to 37 C.F.R. § 1.703(a)(2)

The PTO calculation of the period of adjustment pursuant to 37 C.F.R. § 1.703(a)(2) indicates, as shown by the PAIR PTA adjustment history, an adjustment of 76 days (the period beginning on the day after the date that is four months after the reply dated June 7, 2005 to the date of mailing of the notice of allowance dated December 22, 2005).

Period of adjustment pursuant to 37 C.F.R. § 1.703(b)

The period of adjustment pursuant to 37 C.F.R. § 1.703(b) is the number of days in the period beginning on the day ("the 3 year date") after the date that is three years after the date on which the application was filed pursuant to 35 U.S.C. § 111(a) or fulfilled the requirements pursuant to 35 U.S.C. § 371.

The present application was filed on July 9, 2001. The 3 year date specified in 37 C.F.R. § 1.703(b) is July 9, 2004. The issue date as indicated by the Issue Notification is November 28, 2006. The Issue Notification is attached as Appendix B. The difference between the 3 year date (July 9, 2004) and the issue date (November 28, 2006) is 872 days.

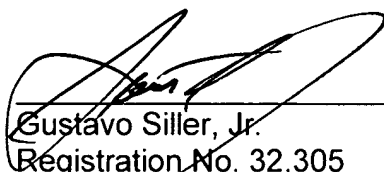
Total patent term adjustment

For the present application, the total patent term adjustment pursuant to 37 C.F.R. § 1.703(f) is the adjustment under 37 C.F.R. § 1.703 reduced by the reduction under 37 C.F.R. § 1.704. The total adjustment is thus $753 + 76 + 872 - 0 = 1701$ days.

For the reasons stated herein, reconsideration of the patent term adjustment is respectfully requested pursuant to 37 C.F.R. 1.705(b). Please charge the fee and/or credit any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

Applicants respectfully request reconsideration of the patent term adjustment for this application. Office personnel are invited to contact the undersigned for Applicants via telephone if such communication would expedite this request.

Respectfully submitted,

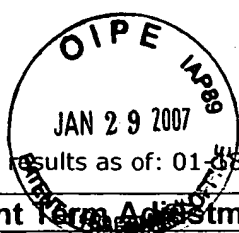


Gustavo Siller, Jr.
Registration No. 32,305
Attorney for Applicants

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CHICAGO, ILLINOIS 60610
(312) 321-4200

APPENDIX

A



Search results as of: 01-28-2007::18:39:04 E.T.

Patent Term Adjustment

Filing or 371(c) Date:	07-09-2001	USPTO Delay (PTO) Delay (days):	829
Issue Date of Patent:	11-28-2006	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	0
Post-Issue Petitions (days):	+0	Total Patent Term Adjustment (days):	829
USPTO Adjustment(days):	+0	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
11-08-2006	PTA 36 Months		
11-28-2006	Patent Issue Date Used in PTA Calculation		
10-31-2006	Receipt into Pubs		
10-26-2006	Dispatch to FDC		
10-26-2006	Application Is Considered Ready for Issue		
09-11-2006	Issue Fee Payment Verified		
09-11-2006	Issue Fee Payment Received		
07-13-2006	Receipt into Pubs		
07-03-2006	Mail Notice of Allowance		
03-09-2006	Reference capture on IDS		
06-26-2006	Notice of Allowance Data Verification Completed		
03-09-2006	Information Disclosure Statement considered		
03-09-2006	Information Disclosure Statement (IDS) Filed		
06-26-2006	Date Forwarded to Examiner		
03-09-2006	Request for Continued Examination (RCE)		
06-26-2006	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)		
03-21-2006	Case Docketed to Examiner in GAU		
03-09-2006	Workflow - Request for RCE - Begin		
12-22-2005	Mail Notice of Allowance	76	
12-21-2005	Notice of Allowance Data Verification Completed	↑	
06-07-2005	Information Disclosure Statement considered	↑	
06-07-2005	Information Disclosure Statement (IDS) Filed	↑	
12-07-2005	Date Forwarded to Examiner	↑	
06-07-2005	Request for Continued Examination (RCE)	↑	
12-07-2005	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)		
06-07-2005	Workflow - Request for RCE - Begin		
06-07-2005	Information Disclosure Statement (IDS) Filed		
11-26-2001	Corrected filing receipt		
06-07-2005	Workflow - Request for RCE - Finish		
06-21-2005	Receipt into Pubs		
06-07-2005	Workflow - Request for RCE - Begin		

04-22-2005	Workflow - File Sent to Contractor	
03-23-2005	Mail Notice of Allowance	
03-21-2005	Notice of Allowance Data Verification Completed	
03-15-2005	Date Forwarded to Examiner	
12-27-2004	Response to Election / Restriction Filed	
12-27-2004	Request for Extension of Time - Granted	
01-14-2005	Miscellaneous Incoming Letter	
10-04-2004	Miscellaneous Incoming Letter	
08-30-2004	Miscellaneous Incoming Letter	
03-15-2005	Mail Notice of Rescinded Abandonment	
03-14-2005	Notice of Rescinded Abandonment in TCs	
12-27-2004	Workflow incoming amendment IFW	
12-15-2004	Mail Abandonment for Failure to Respond to Office Action	
12-13-2004	Abandonment for Failure to Respond to Office Action	
10-01-2004	Mail Restriction Requirement	753
09-30-2004	Requirement for Restriction / Election	⬆
06-28-2004	IFW TSS Processing by Tech Center Complete	⬆
12-12-2002	Case Docketed to Examiner in GAU	⬆
07-09-2001	Request for Foreign Priority (Priority Papers May Be Included)	⬆
07-09-2001	Information Disclosure Statement (IDS) Filed	⬆
10-30-2001	Case Docketed to Examiner in GAU	⬆
08-29-2001	Application Dispatched from OIPE	⬆
08-28-2001	Correspondence Address Change	⬆
07-24-2001	IFW Scan & PACR Auto Security Review	⬆
07-09-2001	Initial Exam Team nn	⬆

[Close Window](#)

APPENDIX B



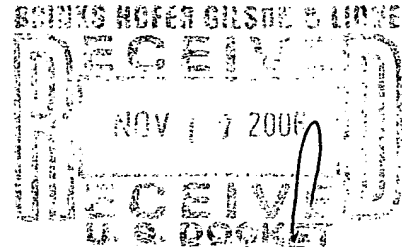
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,438	11/28/2006	7142399	9281-3996	7707

7590 11/08/2006

Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610



ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 829 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

APPLICANT(s) (up to 18 names are included below, see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Naoya Hasegawa, Niigata-ken, JAPAN;
Masamichi Saito, Niigata-ken, JAPAN;

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Mail Stop Patent Ext.
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached are:

- ☒ Transmittal Letter (in duplicate); Request for Reconsideration of Patent Term Adjustment (in duplicate) with attached Appendix A and B.
- ☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$ _____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$ _____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+ \$360=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$ _____ for the Petition fee is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$ _____. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$ _____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Date

Gustavo Siller, Jr. (Reg. No. 32,305)